

**THE UNITED STATES DISTRICT COURT
THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
CIVIL CASE NO. 1:18-cv-00174-MR-WCM**

STEPHANIE HUGHES BYOUS,

Plaintiff,

VS.

**ANDREW M. SAUL, Commissioner
of Social Security,**

Defendant.

ORDER

THIS MATTER is before the Court on the Plaintiff's Motion for Summary Judgment [Doc. 13]; the Defendant's Motion for Summary Judgment [Doc. 19]; and the Magistrate Judge's Memorandum and Recommendation [Doc. 22 regarding the disposition of those motions.

Pursuant to 28 U.S.C. § 636(b) and a specific Order of referral of the District Court, the Honorable W. Carleton Metcalf, United States Magistrate Judge, was designated to consider the pending motions in the above-captioned action and to submit to this Court a recommendation for the disposition of these motions.

On August 13, 2019, the Magistrate Judge filed a Memorandum and Recommendation [Doc. 22] in this case containing proposed findings of fact and conclusions of law in support of a recommendation regarding the motions [Docs. 13, 19]. The parties were advised that any objections to the Magistrate Judge's Memorandum and Recommendation were to be filed in writing within fourteen (14) days of service. The period within which to file objections has expired, and no written objections to the Memorandum and Recommendation have been filed.

After a careful review of the Magistrate Judge's Memorandum and Recommendation [Doc. 22], the Court finds that the proposed findings of fact are correct and that the proposed conclusions of law are consistent with current case law. Accordingly, the Court hereby accepts the Magistrate Judge's recommendation that the Plaintiff's motion should be granted and that this case should be remanded for further proceedings.

IT IS, THEREFORE, ORDERED that the Memorandum and Recommendation [Doc. 22] is **ACCEPTED**; the Plaintiff's Motion for Summary Judgment [Doc. 13] is **GRANTED**; and the Defendant's Motion for Summary Judgment [Doc. 19] is **DENIED**.

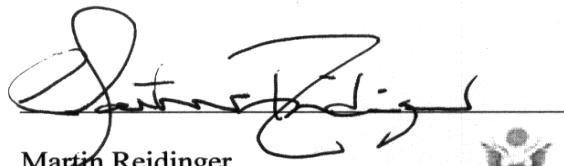
IT IS FURTHER ORDERED that, pursuant to sentence four of section 205(g) of the Social Security Act, 42 U.S.C. § 405(g), the decision of the

Commissioner of Social Security is hereby **REVERSED**, and this case is hereby **REMANDED** for further administrative proceedings, consistent with this Order.

The Clerk of Court shall enter a separate Judgment of Remand simultaneously herewith, thereby closing the case.

IT IS SO ORDERED.

Signed: August 28, 2019


Martin Reidinger
United States District Judge

